

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAURICE JOHNSON, and	:	
KELLY LYNETTE LUCAS, his wife,	:	
	:	C.A. No. 07-103
Plaintiffs,	:	
	:	
v.	:	
	:	
CITY OF NEWARK, and,	:	
NEWARK POLICE DEPARTMENT,	:	JURY TRIAL DEMANDED
	:	
Defendants.	:	

NOTICE OF MOTION TO DISMISS PLAINTIFFS' COMPLAINT

PLEASE TAKE NOTICE that Defendants, City of Newark and Newark Police Department's Motion to Dismiss Plaintiffs' Complaint will be presented to the assigned Judge for the United States District Court for the District of Delaware at the convenience of the Court.

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

BY: /s/ Daniel A. Griffith, Esquire
DANIEL A. GRIFFITH, ESQUIRE
DE ID No. 4209
1220 N. Market Street, 5th Floor
P.O. Box 8888
Wilmington, DE 19899-8888
302-552-4317
Attorney for Defendants

Dated: February 28, 2007

CERTIFICATE OF SERVICE

I, Daniel A. Griffith, Esquire hereby certify that on the date indicated below a true and correct copy of the Notice of Motion to Dismiss Plaintiffs' Complaint were forwarded to the below named addressee via electronic filing:

Morton Richard Kimmel, Esquire
Kimmel, Carter, Roman & Peltz, PA
200 Biddle Avenue, Suite 101
Springside Plaza
P.O. Box 1070
Bear, Delaware 19701
Attorney for Plaintiffs

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

/s/ Daniel A. Griffith, Esquire
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ORDER

This matter having been brought before the Court by Daniel A. Griffith, Esquire of Marshall, Dennehey, Warner, Coleman & Goggin, attorneys for the Defendants, City of Newark and Newark Police Department and the Court having considered the moving papers and any opposition filed thereto; and having heard the arguments of counsel; and for other and further good cause shown;

It is on this day of , 2007, hereby **ORDERED** and **ADJUDGED** that Plaintiffs' Complaint be and hereby is **DISMISSED** with prejudice as to the City of Newark and the Newark Police Department pursuant to Fed. R. Civ. P. 12 (b)(6) for failure to state a claim upon which relief can be granted.

This shall be deemed a final Order.

J.